

SUPREME COURT OF SEYCHELLES

THE REPUBLIC
(*rep. by Miss Rose*)

Reportable
FH7/2025
Republic

VS

AUBREY PATRICK LABROSSE
(*rep. by Mr Basil Hoareau*)

1st Suspect

RALPH LADOUCE
(*rep. by Mr Basil Hoareau*)

2nd Suspect

Neutral Citation: The Republic v Labrosse & Or (FH7/2025) 24th February 2025

Before: Govinden CJ

Heard: 24th February 2025

Delivered: 24th February 2025

RULING

R. GOVINDEN CJ

- [1] This is an application made by the prosecution under section 101(1) of the Criminal Procedure. The application is supported by the affidavit of the applicant Detective Police Sergeant Stenio Cadeau.
- [2] In the context of a Section 101 application under the Criminal Procedure Code, the evidential burden rests on the prosecution to establish a prima facie case for detention. This involves presenting sufficient evidence to justify the continued custody of suspects based on substantial grounds to suspect that the grounds put forth by the applicant is proven.
- [3] In this Section 101 (1) application, the prosecution must therefore demonstrate that there are substantial grounds to believe that:

1. The suspects have committed a serious offense.

2. Detention is necessary to prevent interference with ongoing investigations.
 3. Detention is necessary as they would flee the due course of justice.
- [4] To meet this burden of proof on a prima facie basis, the prosecution must provide evidence that, if accepted as true, would be sufficient to establish each elements of its case without needing further corroboration at this stage. A prima facie case is established when the evidence presented by the prosecution is sufficient to support a finding in its favor unless contradicted or disproven by other evidence. In drug-related cases, this often includes:
- Testimonial affidavits from law enforcement officers.
 - Averments as to evidence such as seized drugs or paraphernalia.
 - Averments linking suspects to the suspected offences.
 - Communication records indicating involvement in the suspected offences.
- [5] In assessing whether a prima facie case exists, courts will consider whether the evidence presented is credible and relevant and meets this standard of proof. If it meets these criteria, it will justify detention pending further investigation.
- [6] In this application it is apparent that the applicant is relying on informant information and as in all such cases its reliability can be contentious and must be carefully evaluated by the court. Courts typically assess informant credibility based on several factors and this will be decided during the course of trial, if ever the prosecution decides to rely on such evidence. In this application the court must rely solely on the strength and reliability of the police deponent. Having considered his affidavit, the court finds his deposition as to the source of his averments to be credible and reliable and the court will act on it.
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- [7] The prosecution is also relying on the number and pattern of calls between the suspects. The admissibility and weight of such evidence are critical components in determining its impact on a case. In assessing telephone calls as evidence, it is essential to consider both their relevance and reliability. **In this case it is clear that the prosecution is relying on the pattern of and the number of calls made between the different suspects. In order**

demonstrate a prima facie case. The prosecution must therefore demonstrate that the telephone calls occurred at or around the time when the alleged offences were committed. This temporal proximity can establish a connection between the suspects and the alleged criminal activity. The content of the calls may be scrutinized for any admissions, conspiratorial language, or discussions that directly relate to the alleged offences. If such content exists, it significantly enhances relevance. A pattern in communication frequency leading up to and during the alleged offence can also indicate collusion or planning, further supporting relevance. Moreover, the prosecution must authenticate that these calls were indeed made by or received by the suspects involved. This may involve call logs from telecommunications providers, which should include timestamps and numbers involved. This would have to be tested for their quality of evidence; whether they are corroborated with other evidence and the police must explore the potential for misinterpretation, all this needs time. I find that at this juncture the calls pattern and the number of calls made between the suspects shows a possible involvement in the suspected offences, albeit on a prima facie basis.

[8] In conclusion, therefore I find that the prosecution has managed to discharge its burden of proof by establishing a prima facie case justifying the continued detention; based on the fact that there are a substantial grounds for the court to believe that the offences before this court are serious and that there are substantial grounds to believe that the suspects, if release at this stage, will flee the due course of justice and interfere with the evidence or other suspects at large, given the serious allegations against them. All of this, whilst it is understood that the investigation in this complex investigation is still in its infancy and the applicant needs more time to investigate the case.

[9] Accordingly, the prosecution application is granted and they are remanded in police custody.

Signed, dated and delivered at Ile du Port on 24th February 2025



R. GOVINDEN CJ